

90.138	Applications for itinerant frequencies change to allow electronic filing of application via ULS).	90.138
90.139	Commission processing of applications (move to consolidated Part 1 Rule).	1.926
90.143	Grants of applications (move to consolidated Part 1 Rule).	1.945
90.145	Special temporary authority (move to consolidated Part 1 Rule).	1.931
90.147	Mailing address furnished by licensee (move to consolidated Part 1 Rule).	1.913
90.149(a), (b)	License Term (remove references to license reinstatement).	90.149(a)
90.151	Requests for waiver (move to consolidated Part 1 Rule).	1.925
90.153	Transfer or assignment of station authorization (move to consolidated Part 1 Rule).	1.948
90.155(d)	Time in which station must be placed in operation (remove requirement of returning cancelled license to FCC).	90.155(d)
90.157	Discontinuance of station operation (change to reflect electronic filing via the ULS).	90.157
90.159	Temporary and conditional permits (change to reflect ULS).	90.159
90.160	Public Notice (move to consolidated Part 1 Rule).	1.933
90.161(a)	Amendment or dismissal of applications -- Amendment (move to consolidated Part 1 Rule).	1.927
90.161(b)	Amendment or dismissal of applications (move to consolidated Part 1 Rule).	1.934
90.162	Agreements to dismiss applications, amendments, or pleadings (move to consolidated Part 1 Rule).	1.935
90.163	Petitions to deny, responsive pleadings (move to consolidated Part 1 Rule).	1.939
90.164	Classification of filings as major or minor (move to consolidated Part 1 Rule).	1.929

90.165	Procedures for mutually exclusive applications (change to allow electronic filing of information via ULS).	90.165
90.166	Grants of applications (move to consolidated Part 1 Rule).	1.945
90.167	Time in which a station must commence service (change form numbers; add notification section).	90.167
90.175, (b)(e)(f)	Frequency coordination requirements (change to allow electronic filing of information via ULS).	90.175,(b)(e)(f)
90.177(a)(3), (f)(2)	Protection of certain radio receiving locations (change to allow electronic filing of information via ULS).	90.177(a)(3), (f)(2)
90.187(a)	Trunking in the bands between 150 and 512 MHz (change form number, change to allow electronic filing of information via the ULS)	90.187(a)
90.237(b)	Interim provisions for operation of radioteleprinter and radio facsimile devices (removed and reserved).	No new rule
90.241(c)(7)	Radio call box operations (change to allow electronic filing of information via ULS).	90.241(c)(7)
90.266(g), (h)	Long distance communications on frequencies between 2 and 25 MHz (change to allow electronic filing of information via ULS).	90.266(g), (h)
90.283(g)	Inter-service sharing of maritime frequencies in the 156-162 MHz band (change to allow electronic filing of information via ULS).	90.283(g)
90.350	Scope (revise Part 1).	90.350
90.351(a)	Location and monitoring service (change to allow electronic filing of information via ULS).	90.351(a)
90.437(c)	Posting station licenses (change form numbers).	90.437(c)
90.437(d)	Posting station licenses (remove).	No new rule
90.477(a)	Interconnected systems change to allow electronic filing of information via ULS).	90.477(a)
90.501	Scope (revise to reflect Part 1).	90.501
90.517	Report of operation (change to allow electronic filing of information via ULS).	90.517
90.601	Scope (revise to reflect Part 1).	90.601

90.605	Forms to be used (change form numbers).	90.605
90.607	Supplemental information to be furnished by applicants for facilities under this subpart (change to allow electronic filing of information via ULS).	90.607
90.609(a)	Special limitations on amendment of applications for assignment or transfer of authorizations for radio systems above 800 MHz (move to consolidated Part 1 Rule).	1.927, 1.948
90.611	Processing of applications (move to consolidated Part 1 Rule).	1.926
90.621(e)(3)(i)(e)(5),(f)(1)	Selection and assignment of frequencies (change to allow electronic filing of information via ULS).	90.621(e)(3)(i), (e)(5),(f)(1)
90.625(a)	Other criteria to be applied in assigning channels for use in conventional systems of communications (change to allow electronic filing of information via ULS).	90.625(a)
90.629(c), (d)	Extended implementation period (change to allow electronic filing of information via ULS).	90.629(c), (d)
90.631(b), (f)	Trunked system loading construction and authorization requirements (change to allow electronic filing of information via ULS).	90.631(b), (f)
90.633(e)	Conventional systems loading requirements (change to allow electronic filing of information via ULS).	90.633(e)
90.645(g),(h)	Permissible operations (change to allow electronic filing of information via ULS).	90.645(g),(h)
90.651(b), (c), (d)	Supplemental reports required of licenses authorized under this subpart (change to allow electronic filing of information via ULS).	90.651(b), (c), (d)
90.657	Temporary permit (move to consolidated Part 1 Rule).	1.931
90.658(a)	Loading data required... (change to allow electronic filing of information via ULS).	90.658(a)
90.659	Change in number or location of base stations or transmitters (change cross reference-Section 90.135 is being moved to Part 1).	90.659
90.665(c)	Authorization, construction and implementation of MTA licenses (change to allow electronic filing of information via ULS).	90.665(c)

90.667(a),(b)	Grandfathering provisions for incumbent licensees (change to allow electronic filing of information via ULS).	90.667(a),(b)
90.683(a)(4)	EA-based SMR system operations (change form number).	90.683(a)(4)
90.687	Policies governing the licensing and use of ES-Based SMR systems in the 806-821/851-866 Band (change reference to 90.153 to reflect new rule 1.931).	90.687
90.693(b), (d)	Grandfathering provisions for incumbent licensees (change form numbers).	90.693(b), (d)
90.693(c)	Grandfathering provisions for incumbent licensees (change form numbers).	90.693(c)
90.701(a)	Scope (revise to reflect Part 1).	90.701(a)
90.705	Forms to be used (change form numbers).	90.705
90.709	Special limitations on amendment of applications and on assignments or transfer of authorizations licensed under this subpart. (change to allow electronic filing of information via ULS).	90.709
90.711	Processing of applications (move to consolidated Part 1 Rule).	1.926
90.723(a), (i)	Selection and assignment of frequencies (change to allow electronic filing of information via ULS).	90.723(a), (i)
90.725(d), (e)	Construction requirements for Phase I licenses (change to allow electronic filing of information via ULS; add notification section).	90.725(d), (e), (i)
90.727(a)	Extended implementation schedules (change to allow electronic filing of information via ULS).	90.727(a)
90.733(h)(2)	Permissible operations (change cross-reference).	90.733(h)(2)
90.737(b)-(e)	Supplemental reports required of licensees (change to allow electronic filing of information via ULS).	90.737(b)-(e)
90.751	Minor modifications add "of" non-nationwide licenses (change to cross-reference new rule sections).	90.751
90.753(d), (e)	Conditions of license modifications (eliminate letter filing and change to allow electronic filing of information via ULS).	90.753(d), (e)

90.755	Procedures for license modification (move to consolidated Part 1 Rule).	1.927, 1.929
90.763(b)	EA, Regional and Nationwide system operations (change to allow electronic filing of information via ULS).	90.763(b)
90.767(b), (c)	Construction and implementation of EA and regional licenses (change to allow electronic filing of information via ULS).	90.767(b), (c)
90.1013	Long-form application (FCC Form 601) (change form numbers and change to permit auction winners to file a single application for all markets won).	90.1013
90.1019(b)	Eligibility for partitioned licenses (change form numbers).	90.1019(b)
90.1019(c)	Eligibility for partitioned licenses (change cross-reference from 90.153 to 1.931)	90.1019(c)
90.1023(b)	Certifications, disclosures, records, maintenance and audits (change to reflect electronic filing and change form numbers).	90.1023(b)

PART 90 - PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

AUTHORITY: Secs. 4, 251-2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251-2, 303, 309, and 332, unless otherwise noted.

2. Section 90.5 is amended by revising paragraphs (b) and (m) to read as follows.

Sec. 90.5 Other applicable rule parts.

* * * * *

(b) Part 1 of this chapter includes rules of practice and procedure for the filing of applications for stations to operate in the Wireless Telecommunications Services, adjudicatory proceedings including hearing proceedings, and rule making proceedings; procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the environmental processing requirements that, if applicable, must be complied with prior to initiating construction.

* * *

(m) Part 101 governs the operation of fixed microwave services.

* * * * *

3. Section 90.7 is amended by adding the following new definition:

Sec. 90.7 Definitions.

* * * * *

Universal Licensing System (ULS). The consolidated database, application filing system and processing system for all Wireless Telecommunications Services. The ULS offers Wireless Telecommunications Bureau (WTB) applicants and the general public electronic filing of all applications requests, and full public access to all WTB licensing data.

* * * * *

4. Section 90.111 is revised to read as follows:

Sec. 90.111 Scope.

This subpart supplements Title 47, chapter 1, Subpart F of the Code of Federal Regulations which establishes the requirements and conditions under which commercial and private radio stations may be licensed and used in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the services governed by this Part 90.

5. Section 90.117 is removed.

Sec. 90.117 [Removed]

6. Section 90.119 is revised to read as follows:

Sec. 90.119 Application Requirements.

(a) Part 1, Subpart F of this chapter contains the application filing procedures for the Wireless Telecommunications Services, including applications for new base, fixed, or mobile station authorizations governed by this Part.

(b) If the applicant proposes that control stations will operate on the same frequency as the mobile station, and if the height of the control station(s) antenna(s) will not exceed 6.1 meters (20 feet) above ground or an existing man-made structure (other than an antenna structure), there is no limit on the number of such stations which may be authorized. Appropriate items on FCC Form 601 shall be completed showing the frequency, the station class, the total number of control stations, the emission, and the output power of the highest powered control station.

7. Section 90.123 is removed.

Sec. 90.123 [Removed]

8. Section 90.125 is removed.

Sec. 90.125 [Removed]

9. Section 90.127 is revised to read as follows:

Sec. 90.127 Submission and filing of applications.

(a) Applications should be filed in accordance with Part 1, Subpart F of this chapter. Unless otherwise specified, an application should be filed, either manually or electronically, at least 60 days prior to the desired date of Commission action. Applications for renewal should be filed no more than 90 days nor less than 30 days prior to the end of the license term. When timely and sufficient application for renewal of the license has been made, the license shall not expire until Commission action on the application has been completed. See Section 1.4 of this chapter regarding computation of time.

(b) Each application shall limit its request for authorized mobile transmitters and paging receivers to:

(1) Mobile transmitters and paging receivers that will be installed and operated immediately after authorization issuance.

(2) Mobile transmitters and paging receivers for which purchase orders have already been signed and which will be in use within eight months of the authorization date.

(c) All applications for modification of license and renewal of license must include the number of mobile transmitters and paging receivers in use on the licensed facilities.

10. Section 90.129 is amended by revising the introductory paragraph and paragraph (a) to read as follows:

Sec. 90.129 Supplemental information to be routinely submitted with applications.

Each application under this part that is received by the Commission, through the application process outlined in Part 1, Subpart F, must be accompanied by the applicable information listed below:

(a) Certification of frequency coordination as required by Sec. 90.175.

* * * * *

11. Section 90.131 is removed.

Sec. 90.131 [Removed]

START HERE

12. Section 90.135 is revised to read as follows:

Sec. 90.135 Modification of License.

Pursuant to Section 1.947 of this chapter, a licensee must use FCC Form 601 to notify the Commission of changes in an authorized station license. Except as specified in paragraph (c) of this section, the licensee shall submit the Form 601 to the Commission manually or electronically through the Universal Licensing System.

(a) The licensee must notify the Commission immediately of the following changes: (1) Change in mailing address of licensee.

(2) Change of name only of licensee, without changes in ownership, control, or corporate structure.

(3) Change in the type of emission when:

(i) Operation is in the 150-174 MHz or 421-512 MHz bands; and

(ii) The modification will be for a narrower emission than specified in the current authorization.

(b) The licensee must notify the Commission within 30 days of the following changes:

(1) Change in the number and location of station control points or of control stations operating below 470 or above 800 MHz meeting the requirements of Sec. 90.119(a)(2)(ii).

(2) Change in the number of mobile units operated by Radiolocation Service licensees.

(3) Any other changes not listed in paragraph (a) of this section.

(c) Unless specifically exempted in Section 90.175, the Form 601 application for modification of a license must be submitted to the applicable frequency coordinator for the following proposed changes:

(1) Change in frequency.

(2) Change in the type of emission.

(3) Change in power from that authorized.

(4) Change in antenna height from that authorized.

(5) Change in the authorized location or number of base stations, fixed, control or, for systems operating on non-exclusive assignments in the 470-512 MHz, 800 MHz or 900 MHz bands, a change in the number of mobile transmitters, or a change in the area of mobile operations from that authorized.

(6) Change in the class of a land station, including changing from multiple licensed to cooperative use, and from shared to unshared use.

(7) Any change in ownership, control, or corporate structure.

(d) Any change that requires a fee as set forth at Part 1, Subpart G of this chapter must be filed in accordance with Section 1.913 of this chapter.

13. Section 90.137 is amended by revising the introductory text of paragraph (a) to read as follows:

Sec. 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base or a fixed transmitter at temporary locations shall be filed manually or electronically, using FCC Form 601, in accordance with Section 1.931 of this chapter.

* * * * *

14. Section 90.139 is removed.

Sec. 90.139 [Removed]

15. Section 90.143 is removed.

Sec. 90.143 [Removed]

16. Section 90.145 is removed.

Sec. 90.145 [Removed]

17. Section 90.147 is removed.

Sec. 90.147 [Removed]

18. Section 90.149 is amended by removing and reserving paragraph (b) and by removing the final sentence of paragraph (a) to read as follows:

Sec. 90.149 License Term.

(a) Licenses for stations authorized under this part will be issued for a term not to exceed five (5) years from the date of the original issuance, modification, or renewal, except that the license term for stations licensed as commercial mobile radio service on 220-222 MHz, 929-930 MHz paging, Industrial/Business Pool, and SMR frequencies shall be ten (10) years.

(b) [Reserved]

* * * * *

19. Section 90.151 is removed.

Sec. 90.151 [Removed]

20. Section 90.153 is removed.

Sec. 90.153 [Removed]

21. Section 90.155 is amended by revising paragraph (d) to read as follows:

Sec. 90.155 Time in which station must be placed in operation.

* * *

(d) Multilateration LMS systems authorized in accordance with Section 90.353 must be constructed and placed in operation within twelve (12) months from the date of grant or the authorization cancels automatically. EA-licensed multilateration LMS systems will be considered constructed and placed in operation if such systems construct a sufficient number of base stations that utilize multilateration technology (see paragraph (e) of this section) to provide multilateration location service to at least 1/3 of the counties in the EA.

22. Section 90.157 is amended by revising it in its entirety to read as follows:

Sec. 90.157 Discontinuance of station operation.

A station license shall cancel automatically upon permanent discontinuance of operations. Unless stated otherwise in this part or in a station authorization, for the purposes of this section, any station which has not operated for one year or more is considered to have been permanently discontinued. Alternatively, the licensee may notify the Commission of the discontinuance of station operations by checking the appropriate box on the FCC Form 601 and requesting license cancellation. This notification may be submitted electronically via the Universal Licensing System or sent to the Federal Communications Commission, Gettysburg, PA 17326.

23. Section 90.159 is amended by revising paragraphs (a), (c), (d) and the introductory text of paragraph (b) to read as follows:

Sec. 90.159 Temporary and conditional permits.

(a) In accordance with Section 90.133, an applicant for a license under this Part (other than a commercial mobile radio license) utilizing an already licensed facility may operate the radio station(s) for a period of up to one hundred eighty (180) days under a temporary permit evidenced by a properly executed FCC Form 601 application for temporary authority after submitting a Form 601 application for a station license in accordance with Sec. 90.127, provided that all the antennas employed by control stations are 6.1 meters (20 feet) or less above ground or 6.1 meters (20 feet) or less above a man-made structure other than an antenna tower to which it is affixed. When required by Sec. 90.175, applications must be accompanied by evidence of frequency coordination. The temporary operation of stations, other than mobile stations within the Canadian coordination zone is limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters (20 ft) above average terrain.

(b) An applicant proposing to operate a new land mobile radio station or modify an existing station below 470 MHz or in the one-way paging 929-930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) that is required to submit a frequency recommendation pursuant to paragraphs (b) through (h) of Sec. 90.175 may operate the proposed station during the pendency of its application for a period of up to one hundred eighty (180) days under a conditional permit upon the filing of a properly completed formal Form 601 application that complies with Sec. 90.127 if the application is accompanied by evidence of frequency coordination in accordance

with Sec. 90.175 and provided that the following conditions are satisfied:

* * * * *

(c) An applicant proposing to operate an itinerant station or an applicant seeking the assignment of authorization or transfer of control of a license for an existing station below 470 MHz or in the 929-930 MHz band (other than a commercial mobile radio service applicant or licensee on these bands) may operate the proposed station during the pendency of the application for a period not to exceed one hundred eighty (180) days under a conditional permit upon the filing of a properly completed formal Form 601 application that complies with Sec. 90.127. Conditional authority ceases immediately if the application is returned by the Commission because it is not acceptable for filing. All other categories of applications listed in Sec. 90.175(i) that do not require evidence of frequency coordination are excluded from the provisions of this section.

(d) Conditional authorization does not prejudice any action the Commission may take on the subject application. Conditional authority is accepted with the express understanding that such authority may be modified or cancelled by the Commission at any time without hearing if, in the Commission's discretion, the need for such action arises. Consistent with Sec. 90.175(g), the applicant assumes all risks associated with operation under conditional authority, the termination or modification of conditional authority, or the subsequent dismissal or denial of its application. Authority reverts back to the original licensee if an assignee or transferee's conditional authority is cancelled.

* * * * *

24. Section 90.160 is removed.

Sec. 90.160 [Removed]

25. Section 90.161 is removed.

Sec. 90.161 [Removed]

26. Section 90.162 is removed.

Sec. 90.162 [Removed]

27. Section 90.163 is removed.

Sec. 90.163 [Removed]

28. Section 90.164 is removed.

Sec. 90.164 [Removed]

29. Section 90.165 is amended by revising the first introductory paragraph, the introductory text of paragraphs (b) and (c), and paragraph (b)(1) and by removing paragraph (d)(3) to read as follows:

Sec. 90.165 Procedures for mutually exclusive applications.

Mutually exclusive commercial mobile radio service applications are processed in accordance with Part 1 of this chapter and with the rules in this section, except for mutually exclusive applications for licenses in the 220-220 MHz service and the 929-930 MHz Paging service, which are processed in accordance with the rules in subpart P and subpart T of this part.

* * * * *

(b) *Filing groups.* Pending mutually exclusive applications are processed in filing groups. Mutually exclusive applications in a filing group are given concurrent consideration. The Commission may dismiss as defective (pursuant to Section 1.934 of this chapter) any mutually exclusive applications(s) whose filing date is outside of the date range for inclusion in the filing group. The types of filing groups used in day-to-day application processing are specified in paragraph (c)(3) of this section. A filing group is one of the following types:

(1) *Renewal filing group.* A renewal filing group comprises a timely-filed application for renewal of an authorization and all timely-filed mutually exclusive competing applications (see section 1.949 of this chapter).

* * * * *

(c) *Procedures.* Generally, the Commission may grant one application in a filing group of mutually exclusive applications and dismiss the other application(s) in the filing group that are excluded by the grant, pursuant to Section 1.935 of this chapter.

(1) * * *

(2) *Dismissal of applications.* The Commission may dismiss any application in a filing group that is defective or otherwise subject to dismissal under Section 1.934 of this chapter, either before or after employing selection procedures.

* * * * *

30. Section 90.166 is removed.

Sec. 90.166 [Removed]

31. Section 90.167 is revised to read as follows:

Sec. 90.167 Time in which a station must commence service; notification requirement.

Pursuant to Section 1.946 of this chapter, unless otherwise specified in this part, all 220-222 MHz, private carrier paging, Industrial/Business Pool, and SMR licensees must commence service within twelve (12) months from the date of grant or the authorization cancels automatically. The

Commission will notify licensees by electronic mail or by postal mail, within __ days, that the end of its one year construction period is approaching. The licensee must notify the Commission (Form 601), either electronically via the Universal Licensing System or by mail, no later than 15 days after the end of the one year period of the completion or satisfaction of its construction requirements. If the licensee fails to respond within the allotted time, then the authorization will automatically terminate. For purposes of this section, a station licensed to provide commercial mobile radio service is not considered to have commenced service unless it provides service to at least one unaffiliated party. An application for extension of time to commence service must be submitted on Form 601 in accordance with the procedures detailed in Section 1.946 of this chapter.

32. Section 90.175 is amended by revising the introductory paragraph and paragraphs (b), (e) and (f) to read as follows:

Sec. 90.175 Frequency Coordination Requirements.

Except for applications listed in paragraph (f) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in Sec. 90.135(c), or for operation at temporary locations in accordance with Sec. 90.137, must include a certification of frequency coordination as set forth below.

* * * * *

(b) *For frequencies between 25 and 470 MHz:* the applicable frequency coordinator, as specified in Secs. 90.20(c)(2) and 90.35(b)(2), must recommend on the FCC Form 601 the most appropriate frequency. The coordinator's recommendation may include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to minimize potential interference.

* * *

(e) *For frequencies between 470 and 512 MHz, 806-824/851-869 MHz, and 896- 901/935-940 MHz:* the applicable coordinator must recommend on the FCC Form 601 specific frequencies that are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio serve, frequency pool, or category of user involved.

(f) *For frequencies in the 929-930 MHz band:* the coordinator must recommend on the FCC Form 601 the most appropriate frequency. For applications under Sec. 90.495, the coordinator's statement must certify that the proposed system meets the requirements of that section.

* * * * *

33. Section 90.177 is amended by revising paragraphs (a)(3) and (f)(2) to read as follows:

Sec. 90.177 Protection of certain radio receiving locations.

* * * * *

(a) * * *

(3) After receipt of such applications, the Commission will allow a period of 20 days for comments or objections, which may be submitted by mail or electronically via the Universal Licensing System, in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

* * * * *

(f) * * *

(1) * * *

(2) After receipt of such applications, the Commission will allow the Arecibo Observatory a period of 20 days for comments or objections, which may be submitted by mail or electronically via the Universal Licensing System, in response to the notification indicated. The applicant will be required to make reasonable efforts in order to resolve or mitigate any potential interference problem with the Arecibo Observatory and to file either an amendment to the application or a modification application, if appropriate. If the Commission determines that an applicant has satisfied its responsibility to make reasonable efforts to protect the Observatory from interference, its application may be granted.

* * * * *

34. Section 90.187 is amended by revising paragraph (a) to read as follows:

Sec. 90.187 Trunking in the bands between 150 and 512 MHz.

(a) Applicants for trunked systems operating on frequencies between 150 and 512 MHz (except 220-222 MHz) must indicate on their applications (class of station code, see Sec. 1.952 of this chapter or Instructions for FCC Form 601) that their system will be trunked. Licensees of stations that are not trunked, may trunk their systems only after modifying their license (see Sec. 90.135).

* * * * *

35. Section 90.237 is amended by removing and reserving paragraph (b).

Sec. 90.237 Interim provisions for operations of radioteleprinter and radiofacsimile devices.

* * * * *

(b) [reserved]

* * * * *

36. Section 90.241 is amended by revising paragraph (c)(7) to read as follows:

Sec. 90.241 Radio call box operations.

* * * * *

(c) * * *

(7) Each application for a call box system must contain information on the nonvoice transmitting equipment, including the character structure, bit rate, modulating tone frequencies, identification codes, and the method of modulation (i.e., frequency shift, tone shift, or tone phase shift).

* * * * *

37. Section 90.266 is amended by revising paragraphs (g) and (h) to read as follows:

Sec. 90.266 Long distance communications on frequencies between 25 MHz.

* * * * *

(g) Applicants must fulfill the eligibility requirements set out in Sec. 90.35(c)(1) and submit communications plans by mail or via the Universal Licensing System pursuant to Sec. 90.129.

(h) Exercises or circuits tests which require use of these frequencies for more than seven hours per week cumulative are prohibited unless prior approval is obtained from the Commission. Such a request must be submitted on FCC Form 601.

38. Section 90.283 is amended by revising paragraph (g) to read as follows:

Sec. 90.283 Inter-service sharing of maritime frequencies in the 156-162 MHz band.

* * * * *

(g) Applicants seeking to be licensed for stations exceeding the power/antenna height limits of the table in paragraph (d) of this section are required to secure a waiver (the procedures for waivers are described in section 1.925 of this chapter) and must submit with the FCC Form 601 application, an interference analysis, based upon any of the generally-accepted terrain-based propagation models, that shows that co-channel protected entities, described in paragraph (d) of this section, would receive the same or greater interference protection than provided in the table.

39. Section 90.350 is revised to read as follows:

Sec. 90.350 Scope.

The Intelligent Transportation Systems Radio Service is for the purpose of integrating radio-based technologies into the nation's transportation infrastructure and to develop and implement the nation's intelligent transportation systems. It includes the Location and Monitoring Service (LMS).

Rules as to eligibility for licensing, frequencies available, and any special requirements for services in the Intelligent Transportation Systems Radio Service are set forth in this Subpart. Application procedures are governed by Part 1, Subpart F of this chapter.

40. Section 90.351 is amended by revising the introductory text of paragraph (a) to read as follows:

Sec. 90.351 Location and Monitoring Service.

* * * * *

(a) Each application, using FCC Form 601, to license an LMS system shall include:

* * * * *

41. Section 90.437 is amended by removing paragraph (d) and revising paragraph (c) to read as follows:

Sec. 90.437 Posting station licenses.

* * * * *

(d) An applicant operating under a temporary permit authorized in accordance with Sec. 90.159 must retain an executed copy of FCC Form 601 as a permanent part of the station records.

42. Section 90.477 is amended by revising paragraph (a) to read as follows:

Sec. 90.477 Interconnected systems.

(a) Applicants for new land stations to be interconnected with the public switched telephone network must indicate on their FCC Form 601 applications (class of station code) that their stations will be interconnected. Licensees of land stations that are not interconnected may interconnect their stations with the public switched telephone network only after modifying their license by the manual or electronic filing of an Form 601. See Sec. 90.135. In all cases a detailed description of how interconnection is accomplished must be maintained by licensees as part of their station records. See Sec. 90.433.

* * * * *

43. Section 90.501 is revised to read as follows:

Sec. 90.501 Scope.

This subpart supplements Part 1, Subpart F of this chapter by describing further requirements for the

filing of applications for developmental licenses. It includes special requirements related to developmental operation, restrictions on operations, and special reports required when the development operation is to seek operational data or techniques directed toward the extension of that service.

44. Section 90.517 is amended by revising the introductory paragraph to read as follows:

Sec. 90.517 Report of operation.

A report on the results of a developmental program shall be filed with and made a part of each application for renewal of authorization and may be submitted electronically via the Universal Licensing System. In cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on:

* * * * *

45. Section 90.601 is revised to read as follows:

Sec. 90.601 Scope.

This subpart sets out the regulations governing the licensing and operations of all systems operating in the 806-824/851-869 MHz and 896-901/935-940 MHz bands. It includes eligibility requirements, and operational and technical standards for stations licensed in these bands. It also supplements the rules regarding application procedures contained in Part 1, Subpart F of this chapter. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to licensing and operation in these frequency bands.

46. Section 90.605 is revised to read as follows:

Sec. 90.605 Forms to be used.

Applications for conventional and trunked radio facilities must be prepared on FCC Form 601 and must be submitted or filed, either manually or electronically via the Universal Licensing System, in accordance with Sec. 90.127 and Part 1, Subpart F of this chapter.

47. Section 90.607 is revised by amending the introductory text of paragraph (a) and paragraphs (b)(1) and (c)(1), and by deleting and reserving paragraph (d) to read as follows:

Sec. 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.

(a) Where the applicant is a person proposing to provide service to eligibles under this part on a commercial basis, the applicant must include on its FCC Form 601 (or supplement with, where applicable):

* * * * *

(b) * * *

(1) List all radio systems licensed to them or proposed by them within 64 km (40 mi.) from the location of the base station transmitter site of the facility for which they have applied.

* * * * *

(c) * * *

(1) List all radio systems licensed to them within 64 km (40 mi.) from the location of the base station transmitter site of the facility for which they have applied;

(2) Specify the number of vehicular and portable mobile units and control stations to be placed in operation within the term of the license.

(d) [reserved]

(e) * * *

48. Section 90.609 is amended by removing and reserving paragraph (a).

Sec. 90.609 Special limitations on amendment of applications for assignment or transfer of authorizations for radio systems above 800 MHz.

(a) [Reserved]

* * * * *

49. Section 90.611 is removed.

Sec. 90.611 [Removed]

50. Section 90.621 is amended by revising paragraphs (e)(3)(i), (e)(5) and (f)(1) of this section to read as follows:

Sec. 90.621 Selection and assignment of frequencies.

* * * * *

(e) * * *

(3) * * *

(i) A non-SMR applicant's FCC Form 601 must include a statement from the applicant's own frequency coordinator verifying that there are no available frequencies in the applicant's service category in the frequency bands 806-824/851-869 MHz.

(4) * * *

(5) The applicant's FCC Form 601 must include a statement from its own category coordinator that frequencies are not available in that category, and coordination is required from the applicable out-of-category coordinator.

* * * * *

(f) * * *

(1) The applicant's FCC Form 601 must include a statement from its own category coordinator that frequencies are not available in that category, and coordination is required from the applicable out-of-category coordinator.

* * * * *

51. Section 90.625 is amended by revising the first sentence of paragraph (a) to read as follows:

Sec. 90.625 Other criteria to be applied in assigning channels for use in conventional systems of communication.

(a) Where an applicant certifies on its FCC Form 601 application that a channel will be loaded to 70 mobile stations, that channel will be made available to that applicant for its exclusive use in the area in which it proposes to operate. * * *

* * * * *

52. Section 90.629 is amended by revising the second sentence of paragraph (c) and paragraph (d) of this section to read as follows:

Sec. 90.629 Extended implementation period.

* * * * *

(c) * * * Licensees must certify annually, using FCC Form 601, that they are in compliance with their yearly station construction commitments, but may request amendment to these commitments at the time they file their annual certification. * * *

(d) Applicants eligible in the Industrial/Land Transportation Category requesting authorizations under this section may request frequencies in the Business Category only if the FCC Form 601 application contains a statement that no frequencies in the Industrial/Land Transportation Category are available for assignment in their geographic area.

* * * * *

53. Section 90.631 is amended by revising the first sentence of paragraph (b) and paragraph (f) of this section to read as follows:

Sec. 90.631 Trunked systems loading, construction and authorization requirements.

* * * * *

(b) Each applicant for a non-SMR trunked system must certify, using FCC Form 601, that a minimum of seventy (70) mobiles for each channel authorized will be placed into operation within five (5) years of the initial license grant. * * *

* * * * *

(f) If a station is not placed in permanent operation, in accordance with the technical parameters of the station authorization, within one year, except as provided in Sec. 90.629, its license cancels automatically. For purposes of this section, a base station is not considered to be placed in operation unless at least two associated mobile stations, or one control station and one mobile station, are also placed in operation. An SMR licensee with facilities that have discontinued operations for 90 continuous days is presumed to have permanently discontinued operations, unless the licensee notifies the Commission otherwise, using FCC Form 601, prior to the end of the 90 day period and provides a date on which operation will resume, which date must not be in excess of 30 additional days.

* * * * *

54. Section 90.633 is amended by revising the first sentence of paragraph (e) of this section to read as follows:

Sec. 90.633 Conventional systems loading requirements.

* * * * *

(e) Using FCC Form 601, a non-SMR licensee may apply for additional frequency pairs if its authorized conventional channel(s) is loaded to seventy (70) mobiles. ***

* * * * *

55. Section 90.645 is amended by revising the third sentences of paragraphs (g) and (h) of this section to read as follows:

Sec. 90.645 Permissible operations.

* * * * *

(g) * * * Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission, using FCC Form 601, for approval.

(h) * * * Notification of such proposed exchanges shall be made to the appropriate frequency coordinator(s) and to the Commission, using FCC Form 601, for approval.

* * * * *

56. Section 90.651 is amended by revising paragraphs (b), (c), and (d) of this section to read as follows:

Sec. 90.651 Supplemental reports required of licensees authorized under this subpart.

* * * * *

(b) Other trunked system licensees must report the number of mobile units being served annually, and at the time of filing applications for renewal of licenses. These reports, which may be filed electronically via the Universal Licensing System, should be filed in accordance with Sec. 1.913.

(c) Licensees of conventional systems must report the number of mobile units placed in operation within 8 months of the date of the grant of their license. Such reports, which may be filed electronically via the Universal Licensing System, shall be filed within 30 days from that date.

(d) Using the applicable Schedule to FCC Form 601, licensees of trunked systems must report whether or not construction of the facility has been completed within thirteen months of the date of the grant and in accordance with Sec. 1.913. These reports may be filed electronically via the Universal Licensing System.

57. Section 90.657 is removed.

Sec. 90.657 [Removed]

58. Section 90.658 is amended by revising paragraph (a) of this section to read as follows:

Sec. 90.658 Loading data required for base station licensees of trunked Specialized Mobile Radio systems to acquire additional channels or to renew trunked systems licensed before June 1, 1993.

(a) A base station licensee of a trunked system applying for its first renewal in a waiting list area for a system licensed before June 1, 1993 must identify, using FCC Form 601, the number of mobiles and control stations loaded on its system as calculated in paragraph (b) of this section.

* * * * *

59. Section 90.659 is revised to read as follows:

Sec. 90.659 Change in number or location of base stations or transmitters.

(a) Licensees of trunked Specialized Mobile Radio systems are exempt from the requirement under Sec. 1.929 to file an application for modification of license when there is a change in the location or number of fixed, control, or mobile transmitters from that authorized, including area of mobile operations.

(b) Licensees of conventional Specialized Mobile Radio channels are not exempt from the requirement under Sec. 1.929 to file an application for modification of license when there is a change in the location or number of fixed, control, or mobile transmitters from that authorized, including area of mobile operations.

(c) Licensees of trunked and conventional Specialized Mobile Radio systems are not exempt from the requirement under Sec. 1.929 to file an application for modification of license when there is a change in the location or number of base stations.

60. Section 90.665 is amended by revising the second sentence of paragraph (c) of this section to read as follows:

Sec. 90.665 Authorization, construction and implementation of MTA licenses.

* * * * *

(c) * * * Further, each MTA licensee must provide coverage to at least two-thirds of the population of the MTA five years from the date of license grant; or alternatively, demonstrate to the Commission, using FCC Form 601, that it is providing substantial service. * * *

* * * * *

61. Section 90.667 is amended by adding a sentence to the end of paragraph (a) and by revising the second sentence of paragraph (b) of this section to read as follows:

Sec. 90.667 Grandfathering provisions for incumbent licensees.

(a) * * * If an incumbent licensee expands beyond its original 40 dBu field strength contour, the incumbent licensee is required to file with the Commission, either manually or electronically via the Universal Licensing System, a prior notification using FCC Form 601.

(b) * * * Incumbents exercising this license exchange option must include specific information on the FCC Form 601 for each of their external base sites after the close of the 900 MHz SMR auction.

* * * * *

62. Section 90.683 is amended by revising paragraph (a)(4) of this section to read as follows:

Sec. 90.683 EA-based-SMR system operations.

(a) * * *

(4) Using FCC Form 601, the EA licensee notifies the Commission within 30 days of the completion of the addition, removal, relocation or modification of any of its facilities within the EA. Such notification must include the appropriate filing fee, if any; and

* * * * *

63. Section 90.687 is amended by revising the first sentence to read as follows:

Sec. 90.687 Special provisions regarding assignments and transfers of authorizations for incumbent SMR licensees in the 816-821/861-866 MHz band.

An SMR license initially authorized on any of the channels listed in Table 4A of Sec. 90.617 may transfer or assign its channel(s) to another entity subject to the provisions of Secs. 1.948 of this chapter and Sec. 90.609(b). * * *

64. Section 90.693 is amended by revising the third and fourth sentences of paragraphs (b) and (c) and the second sentence of paragraph (d)(1) to read as follows:

Sec. 90.693 Grandfathering provisions for incumbent licensees.

* * * * *

(b) * * * Using FCC Form 601, the incumbent licensee must, however, notify the Commission within 30 days of the completion of any changes in technical parameters or additional stations constructed through a minor modification of their license. Such notification must include the appropriate filing fee, if any. * * *

(c) * * * Using FCC Form 601, the incumbent licensee must, however, notify the Commission within 30 days of the completion of any changes in technical parameters or additional stations constructed through a minor modification of their license. Such notification must include the appropriate filing fee, if any. * * *

(d) * * *

(1) * * * Incumbents exercising this license exchange option must submit specific information, using FCC Form 601, for each of their external base sites after the close of the 800 MHz SMR auction.

* * * * *

65. Section 90.701 is amended by revising paragraph (a) to read as follows:

Sec. 90.701 Scope.

(a) Frequencies in the 220-222 MHz band are available for land mobile and fixed use for both Government and non-Government operations. This subpart supplements Part 1, Subpart F of this chapter which establishes the requirements and conditions under which commercial and private radio stations may be licensed in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the 220-222 Mhz band.

* * * * *

66. Section 90.705 is revised to read as follows:

Sec. 90.705 Forms to be used.

Phase II applications for EA, Regional, or Nationwide radio facilities under this subpart must be prepared in accordance with Secs. 90.1009 and 90.1013. Phase II applications for radio facilities operating on public safety/mutual aid channels (Channels 161 through 170) or emergency medical channels (Channels 181 through 185) under this subpart must be prepared on FCC Form 601 and submitted or filed in accordance with Sec. 1.913 of this chapter.

67. Section 90.711 is removed.

Sec. 90.711 [Removed]

68. Section 90.723 is amended by revising the first and second sentences of paragraph (a) and the second sentence of paragraph (i) of this section to read as follows:

Sec. 90.723 Selection and assignment of frequencies.

(a) Using FCC Form 601, Phase II applications for frequencies in the 220-222 MHz band shall specify whether their intended use is for 10-channel nationwide systems, 10-channel EA systems, 15-channel Regional systems, public safety/mutual aid use, or emergency medical use. On the same form, Phase II applicants for frequencies for public safety/mutual aid use or emergency medical use shall specify the number of frequencies requested. All frequencies in this band will be assigned by the Commission.

* * * * *

(i) * * * Except for Phase I licensees seeking license modification in accordance with the provisions of Secs. 90.751 and 90.753, shorter separations between such stations will be considered by the Commission on a case-by-case basis upon submission of a technical analysis, as part of the FCC Form 601 application, indicating that at least 10 dB protection will be provided to an existing Phase I station's predicted 38 dBu signal level contour.

69. Section 90.725 is amended by revising paragraphs (d) and (e) and adding paragraph (i) to

this section to read as follows:

Sec. 90.725 Construction requirements for Phase I licensees.

* * * * *

(d) Using FCC Form 601, each commercial nationwide licensee must file a system progress report on or before the anniversary date of the grant of its license after 2, 4, 6, and 10 years, demonstrating compliance with the relevant construction benchmark criteria.

* * * * *

(e) Beginning with its second license term, each nationwide licensee must file a progress report, using FCC Form 601, once every five years on the anniversary date of the grant of the first renewal of its authorization, including the information required by paragraph (d)(1) of this section.

* * * * *

(i) The Commission will notify licensees by electronic mail or by postal mail, within 90 days, that the end of its construction period is approaching. The licensee must notify the Commission (Form 601), either electronically via the Universal Licensing System or by mail, no later than 15 days after the end of the construction period of the completion or satisfaction of its construction requirements. If the licensee fails to respond within the allotted time, then the authorization will automatically terminate.

70. Section 90.727 is amended by revising paragraph (a) of this section to read as follows:

Sec. 90.727 Extended Implementation schedules for Phase I licensees.

* * * * *

(a) The applicant's FCC Form 601 application demonstrates justification for an extended implementation period. The justification must include reasons for requiring an extended construction period, the proposed construction schedule (with milestones), and must show either that:

* * * * *

71. Section 90.733 is amended by revising paragraph (h)(2) of this section to read as follows:

Sec. 90.733 Permissible operations.

* * * * *

(h) * * *

(2) Operate only at temporary locations in accordance with the provisions of Section 1.931 of this chapter;